

Real Health Care Reform Requires Safe Food

By William D. Marler JD

Linda Rivera's excruciating case of food-poisoning (*Washington Post, Sept. 1*) should shine some light on a crucial reality that is missing from all or most health care reform plans: You can't fix America's health care unless you provide Americans with a safe food supply.

The mother of six lies comatose in her Las Vegas hospital room as a consequence of eating cookie dough contaminated with E. coli O157:H7 – a vicious microbe previously associated with hamburger, spinach, lettuce, raw milk and countless other products.

But she is not an isolated case. According to federal health authorities, she is just one of the 76 million Americans who are sickened each year by tainted food, adding billions in costs to individuals, to food-producers and to our beleaguered medical system.

Yet food safety is rarely mentioned in the absurd scream fest that passes as a national health care debate in and around Congress. In fact, that national squabble threatens to scuttle any hope for the much-needed food safety legislation that overwhelmingly passed the House this summer.

That law would give the Food and Drug Administration (FDA) the authority it needs to inspect food-processing plants and stop the distribution of food tainted with E. coli, Salmonella, Listeria or any of the other usual suspects. It would increase the agency's ability to use emerging technologies to trace contaminated foods and additives back to their source, while imposing new safety standards on both domestic and imported food products.

The potential benefits – to our children, our parents, and our neighbors and to the U.S. economy – are enormous. While the food industry insists that we have the world's safest food supply, the authoritative Centers for Disease Control suggest otherwise – 76 million sick people per year, 208,000 per day, 8,675 per hour.

Most of those cases are relatively mild. But the CDC says 325,000 of them will be hospitalized, and at least 5,000 of them will die of food poisoning.

Consider the costs to the health care system, such as it is. The Department of Agriculture estimates the combined medical costs, productivity losses, and the costs of premature death at a minimum of \$6.9 billion per year. But that estimate excludes costs such as lost business opportunities, public costs, pain and suffering and much more.

The Food and Drug Administration assigns a cost of \$5 million per death, reaching a total of \$17 billion per year. Also, using a more complete analysis –

“willingness-to-pay” to avoid the illness, the societal cost, would be as much as \$357 billion to avoid those millions of illnesses.

These are not paper costs. They are real. For 17 years I have been representing the victims of foodborne illness. Over that time, we have collected more than \$500 million in settlements and verdicts against food manufacturers, much of it to cover the costs of medical bills, lost wages and the pain and suffering incurred by people whose only crime was to believe processors’ claims that their products were safe.

So what if we passed meaningful food safety legislation? What if we saved billions of dollars in medical care and treatment by avoiding being poisoned in the first place? What if Linda Rivera and thousands of Americans like her never became infected with E. coli or Salmonella or Listeria?

Ms. Rivera has been hospitalized since May. Her medical bills to date for dialysis and surgeries to remove her large intestine and gall bladder are well over \$1 million. If she survives, her medical costs for future care could run millions of dollars more.

(William Marler is a Seattle attorney whose firm represents victims of foodborne illness.)